

MINUTES
BOARD OF COUNSELING
QUARTERLY BOARD MEETING
August 7, 2009

- TIME & PLACE:** The meeting was called to order at 9:35 a.m. on August 7, 2009, in Board Room 2 at the Department of Health Professions, 9960 Mayland Drive, Richmond, VA.
- PRESIDING:** Donnie Conner, Ph.D., Chair
- MEMBERS PRESENT:** Mary Lou Argow
Johnston Brendel, Ed.D.
Donnie Conner, Ph.D.
Eric McCollum, Ph.D.
Patricia Mullen
Vivian Sanchez-Jones
William Scott, Ph.D.
Linda Seeman, Ph.D.
Catherine Shwaery
John Penn Turner
- MEMBERS ABSENT:** Sandra Malawer
Charles McAdams, Ed.D.
Yvonne Ortega
Natale Ward
- STAFF PRESENT:** Elaine Yeatts, DHP Senior Policy Analyst
Howard Casway, Senior Assistant Attorney General
Evelyn B. Brown, Executive Director
Patricia Larimer, Deputy Executive Director
Diana L. Pollick, Operations & Compliance Manager
- OTHERS PRESENT:** John Rigney, Lindsey Wilson College
Angela Bryant, Lindsey Wilson College
Holly Abel, Lindsey Wilson College
Steve Ecker
Bonnie Atwood, VAMFT Representative of David Bailey Associates
- WELCOME TO NEW BOARD MEMBERS:** Dr. Conner welcomed Dr. Johnston Brendel, Ed.D., (LPC & MFT) and Ms. Patricia Mullen (LPC) to the Board.
- ORDERING OF AGENDA:** Dr. Conner opened the floor to any changes in the agenda. The agenda was accepted as presented.
- APPROVAL OF MINUTES:** A motion was made by Dr. Seeman to approve the minutes of the June 5, 2009 Board meeting.

- PUBLIC COMMENT:** John Rigney, Dean of Lindsey Wilson College in Kentucky, gave an overview of the college's recent development of two new counseling programs. The first is an undergraduate program in Human Services and the second is a graduate program in Mental Health Counseling which is a 60 semester hour program and CACREP approved. Mr. Rigney also informed the Board of the expansion of their internship areas in underserved areas in Kentucky, West Virginia, Ohio and Virginia. Ms. Bryant addressed the challenges of recruiting faculty, and Ms. Abel discussed the difficulties in securing qualified supervisors. Currently the use of Community Service Boards and Frontier Health provide supervisors, and, if needed, they are brought in from other areas.
- COMMITTEE ASSIGNMENTS:** Dr. Conner asked current committee chairs to describe the duties of each of the standing committees and asked new board members to select which committee(s) they would like to join, and for other board members to submit committee requests as well.
- DIRECTOR'S REPORT** On behalf of the Director Sandra Ryals, Emily Wingfield, Chief Deputy Director, provided the Board with an update of Virginia Performs stating the all Boards have met the 90% goal of processing patient care case in 240 days of receipt. Ms. Wingfield also reported that on July 1, 2009 new legislation went into effect changing the name of the Health Practitioners Impairment Program to the Health Practitioners Monitoring Program which is a better reflection of what the program actually does. Licensees suspended or revoked will no longer be eligible for the service. Ms. Wingfield further reported that the Department of Planning & Budget has a provision in the current budget prohibiting the payment of per diems to Board members effective July 1, 2009. Evelyn Brown asked Ms. Wingfield to discuss the Callahan Act. Ms. Wingfield explained that a Virginia law, the Callahan Act, prohibits boards' operating costs to exceed or fall below 10% of funds generated from licensure fees. If there is a plus or minus of 10% fees must be adjusted upward or downward. The June 2008 renewal fee was less than the June 2009 renewal fee due to this requirement. At the November board meeting the budget projections for the next two bienniums should be available and if there are licensure fee changes projected regulatory amendments will be proposed.
- REGULATORY UPDATE:** Elaine Yeatts, Sr. Policy Analyst, reported that the Certified Substance Abuse Counselor regulatory changes had been "fast tracked" which eliminated the need for NOIRA and final adoption and are expected to be approved by the Governor on August 6, 2009 and become effective on October 15, 2009. Ms. Yeatts further reported that the Marriage & Family Therapy regulatory changes resulting from a Petition for Rulemaking that one half of the required 200 hours of supervision be from a licensed Marriage & Family Therapist, and also removing the Licensed

Professional Counselor “licensure by endorsement” language will be effective September 9, 2009. Ms. Yeatts presented regulations exempt from the regulatory process to comply with new legislation Chapter 85, to assure that regulations allow for electronic submission of applications and license renewal as required by Chapter 85 which became effective July 1, 2009. Ms. Argow made a motion to make the necessary regulatory changes. Mr. Turner seconded the motion which passed unanimously. Ms. Yeatts also provided language approved for Guidance Document 115-4.3: Direct Client Contact Hours in an Internship that Can be Applied Towards the Residency for Board review. After discussion it was the consensus of the Board to revisit this at the November meeting. Ms. Yeatts also presented Guidance Document 115-4.1; Evidence of Clinical Practice for Licensure by Endorsement. The Board accepted the document as presented.

**EXECUTIVE
DIRECTOR:**

Evelyn Brown, Executive Director reported that Board staff had concerns about some credential matters and has requested a Credentials Committee meeting directly following the Board meeting. Ms. Brown invited all interested board members to attend. Ms. Brown also suggested that the Board hold a meeting for Virginia educational institutions and stakeholders who are involved in the training of professional counselors so that requirements for licensure can be discussed. Dr. Conner called for volunteers to form an Ad Hoc Committee to explore this. Dr. Conner volunteered along with Dr. Seeman and Dr. McCollum. Dr. McAdams will also be asked to participate. Ms. Brown completed her report by announcing that Yvonne Ortega’s seat on the Board is expected be filled by the end of August.

**COMMITTEE
REPORTS:**

**BOARD OF
HEALTH
PROFESSIONS:**

Board of Health Professions: Mary Lou Argow: Ms. Argow reported that the BHP had not met since the last Board of Counseling meeting. The next scheduled meeting is to be held on August 11, 2009.

CREDENTIALS:

No report as the Credentials Committee meeting follows Board adjournment. Ms. Larimer announced that two formal hearings resulting from Credentials IFC’s are scheduled for the next board meeting. There are also two Credentials IFC’s scheduled for October 9, 2009. Ms. Argow and Mr. Turner will conduct the conferences.

DISCIPLINE:

Dr. Conner, Ph.D. & Patricia Larimer, Deputy Executive Director:

Dr. Conner reported that since the last Board meeting, no informal conferences were held; twelve complaints are in enforcement; two cases at Board level to be

reviewed for probable cause, and two cases to be scheduled for informal conferences.

**RECOMMEN-
DATIONS OF
CREDENTIALS
INFORMAL
CONFERENCES:**

On June 4, 2009 two Credentials IFC's were held at the request of two applicants to demonstrate that they had met the degree program requirements set forth in 18VAC115-20-49(B).

Dr. Scott moved that the Board convene in Closed Meeting pursuant to Section 2.23711(A)(7) of the Code of Virginia for the purpose of consideration of the Credentials Informal Conference Committee's recommendations. He further moved that Howard Casway, Evelyn Brown, Patricia Larimer and Diana Pollick attend the Closed Meeting because their presence in the Closed Meeting is deemed necessary and will aid the Board in its deliberation.

First Recommendation: The IFC Credentials Committee concluded that Benjamin Thompson, LPC applicant, failed to satisfy the requirements of 18VAC115-20-49(B) and recommended that his application be denied. Dr. Scott made a motion to accept the recommendation as presented. Dr. Seeman seconded the motion which passed unanimously.

Second Recommendation: The IFC Credentials Committee concluded that Andrea Kay Whittenborn failed to satisfy the requirements of 18VAC115-50-40(2)(B) and recommended that her application for licensure by endorsement as a Marriage & Family Therapist be denied. Dr. Scott made a motion to accept the recommendation as presented. Ms. Sanchez-Jones seconded the motion which passed with Dr. McCollum abstaining from voting.

OLD BUSINESS: None

NEW BUSINESS: Quarterly Board & Committee Meeting Dates for 2010:

- Thursday, February 18, 2010 and Friday, February 19, 2010
- Thursday, June 3, 2010 and Friday, June 4, 2010
- Thursday, August 5, 2010 and Friday, August 6, 2010
- Thursday, November 4, 2010 and Friday, November 5, 2010

ADJORN: The meeting adjourned at 11:40 a.m.

Donnie Conner, Ph.D., Chair

Evelyn B. Brown, Executive Director